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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aharon Meir EYAL, et al.

Serial No.: 09/147,914 Group No.: 1625

Filed: May 25, 1999 Examiner: T. Oh

For: PROCESS FOR THE RECOVERY OF LACTIC ACID FROM AQUEOUS  
LACTATE SALT SOLUTIONS, INVOLVING THE USE OF ION  
EXCHANGERS

Attorney Docket No.: U 012130-1

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

### REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

The Notice of Abandonment of July 22, 2003, holds the application abandoned  
because "applicants have decided to abandon the application."

The Notice is supported by an Interview Summary of July 21, 2003, "applicants have  
decided to abandon the application."

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#### CERTIFICATION UNDER 37 C.F.R. 1.10\*

(Express Mail label number is mandatory.)  
(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date July 30, 2003, in an envelope as "Express Mail Post Office to Addressee", mailing Label Number EV327549179US addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Ibis Vega

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Ibis Vega

Signature of person mailing paper

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

The undersigned in fact advised that they had abandoned the parent application in favor of a continuation application. However, the continuation application is a Continued Prosecution Application filed April 15, 2003. A copy of its postcard receipt is attached.

The Continued Prosecution Application is a request to expressly abandon the prior application (37 CFR 1.53(d)) but, because the Continued Prosecution Application will keep the same application number as the immediately prior application, a Notice of Abandonment of that application number cannot issue and applicant never agreed to abandon the Continued Prosecution Application..

Moreover, in this case, the filing fee was not paid with the Continued Prosecution Application. Therefore, instead of the Notice of Abandonment, the Patent Office should have sent a Notice to File Missing Parts, which is now requested.

Respectfully submitted,

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U 012130-1

April 15, 2003

IN RE: AHARON MEIR EYAL, ET AL  
APPLICATION NO.: 09/147,914  
FILED: MAY 25, 1999  
FOR: PROCESS FOR THE RECOVERY OF LACTIC ACID FROM AQUEOUS  
LACTATE SALT SOLUTIONS, INVOLVING THE USE OF ION  
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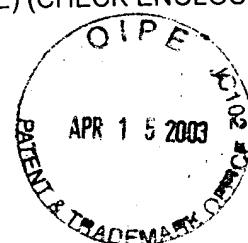
GROUP NO. 1613  
EXAMINER: TAYLOR V. OH

CONTINUED PROSECUTION APPLICATION (CPA) (37 C.F.R. 1.53(D)): \$1,450 00  
(FEE FOR FOUR MONTHS EXTENSION OF TIME) (CHECK ENCLOSED).

APPLN. SERIAL NO.: \_\_\_\_\_

APPLN. FILED \_\_\_\_\_

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